REMARKS

Claims 1-6 and 20-27 are pending in the present application. Independent claims 1, 10, 12, 14 and 20-25 were amended in this response. No new matter has been introduced as a result of the amendments. Support for the amendments may be found, for example, in paragraphs [0010], [0073], and [0105-107] of the Specification. Entry of the amendments and favorable reconsideration are earnestly requested.

OBJECTIONS TO THE SPECIFICATION

The specification continues to be objected to as allegedly failing to provide proper antecedent basis for the claimed subject matter. Again, the Office Action argues that the computer-readable recording medium as found in claims 20-22 and 25 "should be clearly defined in the specification as a statutory medium (i.e. precluding storage on carrier waves, signals, etc.) so to enable the scope of the medium to be realized" (see page 3 of Office Action). Applicant respectfully maintains that the present application conforms fully with the requirements of 37 C.F.R. §1.75(d)(1) and MPEP §608.01(o), and can find no basis whatsoever for the present objection that is supported by law.

While Applicant is open and willing to accommodate the concerns expressed in the Office Action, the unconventional rationale for the objection makes it difficult to understand what the Office is seeking from the Applicant. 37 C.F.R. §1.71 states that the written description should be such "as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same." Surely, the term "computer-readable recording medium" would be understood by any person skilled in the computer science/computer engineering arts (e.g., Stan Gibilisco, "The Illustrated Dictionary of Electronics", 8th Ed., McGraw-Hill, 2001: "*storage*: 1. in computer operations, a medium on which data can be kept for an extended period of time"). Yet the Office Action appears to hold the position that this is not the case.

Applicant respectfully submits that any confusion over the meaning of "computer-readable recording medium" is not due to the term itself, but is the result of a purposeful mischaracterization of the term's meaning as would be given by one skilled in the art. It is a

basic tenet of claim interpretation that the claim as a whole must be considered (See MPEP §2106 (II)(A)-(C): "the claim as a whole must be considered"). Considering claims 20-22 and 25 in their entirety, is the Office Action suggesting that the "computer-readable recording medium which *stores a program executable by a computer*", along with the steps of acquiring, setting, displaying, etc., are being performed *purely in a carrier wave or signal domain*? Clearly, such an interpretation would strain credulity. Furthermore, the claims do not even attempt to claim features solely in this domain.

The citation to MPEP §608.01(o) is also misplaced. As explained above, the meaning of a claim term is taken from the vantage of a person skilled in the art, who would clearly understand the meaning and import of the term "computer-readable recording medium." Using the Office Action's rationale, any reference to a "signal" would require an express disclaimer in the specification that hand gestures are excluded; references to "display" would require express disclaimers of paper and pen; references to "processing" would require express disclaimers of mental analysis, and so on. Clearly, such an approach runs counter to tenets of any regulatory provision, the MPEP, and current caselaw. Furthermore, it is not understood why the Office Action cites requirements for "mechanical cases" in §608.01(o) – the relevance of this citation is lost on the Applicant.

In light of the above, Applicant submits the objection is improper. Withdrawal of the objection is earnestly requested.

CLAIM REJECTIONS – 35 U.S.C. §103

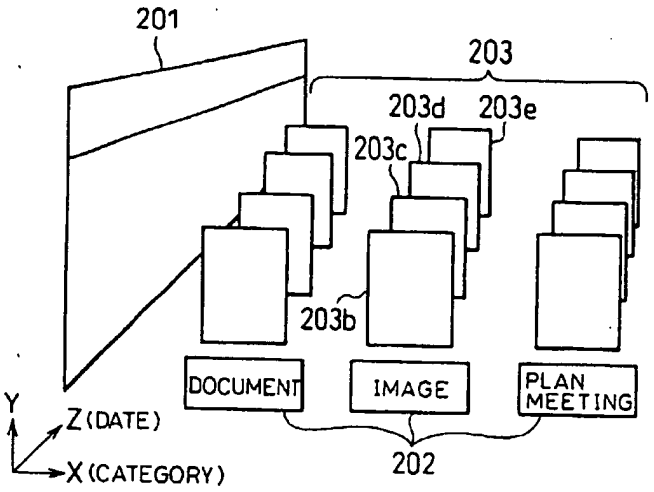
Claims 1, 3-6, 9, 10, 12-14, 16 and 20-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Aoki et al. (US Patent 6,253,218) in view of Brosnan et al. (US Pat. Pub. 2004/002380).

Claims 2 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Aoki et al. (US Patent 6,253,218) in view of Brosnan et al. (US Pat. Pub. 2004/002380) and further in view of Vaananen et al. (US Pat. Pub. 2002/0175896).

Claims 7, 8 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Aoki et al. (US Patent 6,253,218) in view of Brosnan et al. (US Pat. Pub. 2004/002380) and further in view of Adler (US Patent 6,340,957). Applicant respectfully traverses these rejections.

Specifically, the prior art, alone or in combination, fails to teach or suggest the features of "setting a relative display position of a predetermined object that symbolically represents the files in terms of whether the weight thereof is heavy or light, based on a value of a predetermined attribute for an intended file" as recited in independent claim 10, and similarly recited in independent claims 1, 12, 14, and 20-25. Additionally, each of the independent claims were amended to recite that the attribute comprises "at least one of: a date and time of file preparation, a date and time of file updating, an importance of the file to be set by the user, a type of file to be determined by data format or file usage, a number of times that the file is updated, and a parameter indicating a frequency of file updating." Under the recited configuration, a specific attribute relating to at least one file or intended file may be processed and visualized for a user as a relative weight, which in turn allows a user to better understand the significance of the attribute relative to other attributes and/or files (see, e.g., [0050-52]). The weight of the attribute is dependent upon the value of the attribute.

As argued previously, Aoki discloses a data display method for enabling the user to understand the content of each item of the data in a single tabulated form (FIG. 3), where the user retrieves data through "visualized relationships" between individual data files in the database and each item of the data (col. 2, lines 6-13). The embodiments disclosed in Aoki show that file attributes may be arranged in a 3-D space, where each axis represents a specific attribute (e.g., time, category, etc.) (see FIGs. 3, 25, 27).



In each of the embodiments, Aoki discloses that the attributes (203) are separated (203b-e) and grouped individually according to a particular reference attribute (201, 202). However, Aoki clearly does not disclose signifying the attribute as a particular weight, as presently claimed. In the Response to Arguments (Office Action, page 25), the Office Action posits that "Aoki teaches representing the files in terms of whether the weight thereof is heavy or light", and proceeds to cite FIG. 2, col. 2, line 40-47; col. 8, lines 46-50; FIG. 1, ref. 108 and col. 9, lines 6-10 as support.

Starting with FIG. 2; col. 2, line 40-47; col. 8, lines 46-50; and FIG. 1, ref. 108, nothing whatsoever regarding attribute weight is disclosed in these sections – the cited portions only disclose the rendering of objects of a workspace in a virtual 3-dimensional space (i.e., X, Y & Z axes). Regarding col. 9, lines 6-10 (as well as "embodiment 1"), this portion merely describes the display pattern of each attribute (i.e., (203b-e), see above). In other words, the data model generator (103) generates 3-D data models, calendar models, category models, etc., in a manner that places a specific order on the display of attributes, relative to their virtual 3-D space and to each other. In fact, the Office Action even expressly contradicts its own position by acknowledging the disclosure in Aoki is related to "a display position relative to other files" (Office Action, page 26). In the first full paragraph of page 26, the Office Action goes further describing how "the date controls the position" and the "display of an object in relation to other dated objects" all are indicative of "weight." Applicant cannot discern any reasonable

interpretation, where the "weight" as presently claimed can be characterized by a virtual position of an object, relative to other objects.

Going further, in FIG. 11, and corresponding text (col. 11, lines 13-35), Aoki discloses a "thickness magnification corresponding to the data format based on the data size" (e.g., "number of pages"). While it is arguable whether the magnification of this embodiment represents a weight, the disclosure clearly does not teach or suggest the weight being determined by one of a date and time of file preparation, a date and time of file updating, an importance of the file to be set by the user, a type of file to be determined by data format or file usage, a number of times that the file is updated, and a parameter indicating a frequency of file updating as presently claimed.

As the Office Action has conceded, Aoki fails to teach or suggest the feature of exerting a virtual force on the object as presently claimed. In this regard, Applicant respectfully requests clarification regarding the Examiner's interpretation of Aoki. On page 27, second paragraph, the Office Action clearly acknowledges the deficiencies of Aoki. However, on page 6, first paragraph, the Office Action contains the same erroneous argument put forth previously, claiming that each axis (e.g., Z-axis) of Aoki represents a "virtual force" that is being "exerted" ("with a difference in the display position in the direction of the virtual force"). As was argued previously by Applicant, there is no reasonable rationale to be used by one skilled in the art to define the visual placement of attributes along a linear axis as a "virtual force" that is "exerted." The Office Action goes further to suggest that Aoki fails to teach that the virtual force is exerted "at least in one direction" (page 6). However, this directly contradicts the Office Action's earlier (and erroneous) interpretation equating the placing of attributes along a linear axis to an application of a "virtual force" – *by definition, each linear axis would stem into a respective direction*. The Response to Arguments fails to address any of these issues.

The Office Action turns to Brosnan as allegedly solving the deficiencies of Aoki, discussed above. Applicant maintains that there is no apparent reason why one having ordinary skill in the art would combine the teachings of Brosnan with Aoki in the manner suggested in the Office Action. As the Office is aware, the U.S. Supreme Court recently held that rigid and mandatory application of the "teaching-suggestion-motivation," or TSM, test is incompatible with its precedents. *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). The Court did

not, however, discard the TSM test completely; it noted that its precedents show that an invention "composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." *Id.*

Applicant maintains that Brosnan relates to a trajectory of an object based on the virtual physical properties of the object. There is no teaching in Brosnan relating to a static display position based on a non-physical attribute, for instance a file size, and therefore there is no reason to combine Brosnan with Aoki to arrive at the instant invention. The combination of Brosnan and Aoki is improper since they relate to different fields of endeavor.

Additionally, the display in Brosnan does not relate to displaying objects subject to a virtual force based on a value of an attribute of a file, as recited in the claim. Instead, as explained in [0073], Brosnan bases the modeling of forces on the virtual physical attributes of the object (mass, center of gravity, surface elasticity, etc.). Therefore, neither reference discloses, nor suggests, visually representing a file in terms of an attribute in terms of whether the object is light or heavy. As argued previously, the Office Action relies on Aoki and figures 46 and 47 as disclosing this feature (Office Action; page 4). However, the cited sections of Aoki suggest representing files in "less dense sub-spaces" (Aoki; col. 20, line 43), and show virtual pages in a 3-D space arranged according to file size (figures 47 and 47). However, none of the Aoki disclosure relates to displaying a file subject to a virtual force based on whether it is light or heavy. Brosnan merely takes the direction of gravitational force in consideration in determining the direction of movement and trajectory of the object. Generally, the same game object is displayed.

The Response to Arguments argues that the combination "would have given Aoki's system better visualization of data items represented on a screen for the benefit of a user to better understand the placement of data relative to other data (motivation) and furthermore making it easier for a user to manage that data . . . Further, the virtual forces used in Brosnan would have enabled a user of Aoki to understand the characteristics of each data item in a relationship among the data (motivation)." Applicant respectfully submits this reasoning is specious – the Examiner can point to no reasonable explanation how Brosnan's **physical object modeling** bears any relation to Aoki's document management system, let alone how it's application would provide "better vizualization . . . to better understand the placement of data." Where are these "forces" of

Brosnan supposed to be applied to Aoki and how? And how would the representation of force exerted in Aoki result in a "better visualization" that would "enable a user to understand the characteristics of each data item"? To the contrary – such a combination denigrates any advantages of Aoki, since the static placement of objects along an axis is essential for accomplishing the stated purpose of allowing users to evaluate objects of a database at a glance. There is no conceivable reason why an application of force would be used (if even possible) in the configuration of Aoki.

For at least these reasons, Applicant submits the rejections to independent claims 1, 10, 12, 14, and 20-25 under 35 U.S.C. §103 are improper and should be withdrawn. Since the remaining claims depend directly and/or indirectly to the independent claims, they are allowable for the same reasons. As such, an early Notice of Allowance is earnestly requested. If any fees are due in connection with this application as a whole, the Examiner is authorized to deduct such fees from deposit account no. 50-1290. If such a deduction is made, please indicate the attorney docket number (100809-00225 (SCEP 20.732)) on the account statement.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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